

07-02-01 A

jc821 U.S. PTO  
06/29/01  
jc821 06/29/01  
jc821 06/29/01**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CERTIFICATE OF EXPRESS MAILING**

This transmittal and the documents and/or fees itemized hereon and attached hereto have been deposited as "Express Mail Post Office to Addressee" in accordance with 37 CFR §1.10 with Mailing Label  
**EL893942261US**

Attorney Docket No. NAI1P009/01.114.01

First Named Inventor:

James S. Magdych
 Duplicate for  
fee processing

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Sir: This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors:  
 James S. MAGDYCH, Tarik RAHMANOVIC, John R. McDONALD, Brock E. TELLIER,  
 Anthony C. OSBORNE, and Nishad P. HERATH

For: **SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPROVED EFFICIENCY IN NETWORK ASSESSMENT UTILIZING A PORT STATUS PRE-QUALIFICATION PROCEDURE**

**Application Elements:**

- 20 Pages of Specification, Claims and Abstract
- 06 Sheets of Drawings
- 15 Pages Combined Declaration and Power of Attorney

**Accompanying Application Parts:**

- Assignment and Assignment Recordation Cover Sheet (recording fee of **\$40.00** enclosed)
- 
- 37 CFR 3.73(b) Statement by Assignee
- Information Disclosure Statement with Form PTO-1449
  - Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard
- Small Entity Statement(s)
- Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)
- Other:

**Fee Calculation (37 CFR § 1.16)**

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	OR	LARGE ENTITY RATE	FEE
BASIC FEE						
TOTAL CLAIMS	<u>23</u>	-20 = <u>03</u>	\$355	\$	\$710	\$ 710
INDEP CLAIMS	<u>05</u>	-03 = <u>02</u>	x09 = \$	OR	x18 = \$	\$ 54
[ ] Multiple Dependent Claim Presented			x40 = \$	OR	x80 = \$	\$ 160
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			\$135 = \$	OR	\$270 = \$	\$ 00
			Total <u>\$</u>	OR	Total <u>\$</u>	<b><u>924</u></b>

Check No. \_\_\_\_\_ in the amount of **\$964.00** is enclosed.

**No check enclosed, please charge Deposit Account No. 50-1351**

The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-1351(Order No. NAI1P009 ).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-1351 (Order No. NAI1P009 ).

Please send correspondence to the following address:

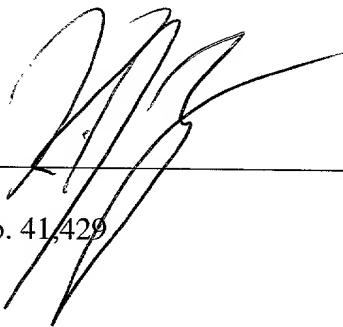
Silicon Valley IP Group  
P.O. Box 721120  
San Jose, CA 95172-1120

Tel (408) 505-5100

Customer No.: 

28875  
PATENT TRADEMARK OFFICE

Date: 06/29/61

  
Kevin J. Zilka  
Registration No. 41,429

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	James S. MAGDYCH, et al.
Title	System, Method and Computer Program Product for Improved Efficiency in Network Assessment Utilizing A Port Status Pre-Qualification Procedure
Atty Docket Number	NAI1P009/01.114.01

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

66/21/01

Date

Signature

Kevin J. Zilka, Reg. No. 41,429

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**